THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.3250 OF 2004

Date: 23rd October 2006

Between:
Ch.Mangamma, w/o Venkataiah,
Aged 34 years, household, Shakapuram,
Nidamanoor Mandal, Nalgonda District.

…. Petitioner.

And

1. District Collector, Nalgonda and 2 others.

…. Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring impugned proceedings dated 21.01.2004 issued by the third respondent insofar as petitioner is concerned, as arbitrary and illegal.

2. It appears that petitioner was a fair price shop dealer of Shakapuram village, Nidamanoor Mandal, Nalgonda District. In view of certain irregularities committed by the petitioner, his authorization was cancelled and thereafter proceedings under Section 6-A of the Essential Commodities Act (for short 'the Act') were initiated. Being aggrieved by the said proceedings, the petitioner filed an appeal before the first respondent-District Collector, Nalgonda, and the same is pending. Before finalization

of the said proceedings, the impugned notice purported to have been issued under Section 8 of A.P. Revenue Recovery Act, 1864, seeking to recover certain amounts from the petitioner.

3. The grievance of the petitioner is that neither the proceedings under Section 6-A of the Act, which is pending in appeal are concluded nor any notice has been issued for determining the liability before passing the impugned proceedings. In the counter filed by the respondents except asserting that the petitioner has committed certain irregularities, and therefore, the proceedings under Section 6-A of the Act were initiated and the petitioner is liable to pay certain amounts and as such issuance of notice under Section 8 of the A.P. Revenue Recovery Act is not illegal, nothing has been stated with regard to issuance of notice and determining liability of the petitioner pursuant to the proceedings under Section 6-A of the Act initiated in this regard.

4. In view of the above, the impugned order is liable to be set aside and accordingly set aside and the writ petition is allowed accordingly. However, this will not preclude the authorities from taking appropriate action as per law after conclusion of proceedings under Section 6-C of the Act. No costs.

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C.V.RAMULU, J.

Date: 23rd October 2006.
BSB